

FEB. 19. 2004 11:50AM

SKG&F3712540

NO. 6466

RECEIVED
CENTRAL FAX CENTER

FEB 19 2004

 **Sterne Kessler
Goldstein Fox**
ATTORNEYS AT LAW

OFFICIAL

Fax

☐ Urgent

☐ Return reply requested

☐ Original will be sent as confirmation


To: U.S. Patent and Trademark Office
Art Unit 1645

Date: February 19, 2004

Attention: Examiner Nita M. Minnifield

Re: U.S. Utility Patent Application

Appl. No. 09/635,679; filed August 10, 2000

From: Aaron L. Schwartz, Patent Agent
Registration No. 48,181 

For: Insulinotropic Hormone and Uses
Thereof

Pages (including cover sheet): 6

Fax No: (703) 872-9306

Our Reference: 0609.1090009/MAC/ALS

Message

See enclosed Second Supplemental Information Disclosure Statement, Fee Transmittal (Form PTO/SB/17), Credit Card Payment Form PTO-2038 and Certificate of Transmission under 37 CFR 1.8.

231639_1.DOC

If any portion of this transmission is not received clearly or in full,
contact us at 202.371.2600 or f 202.371.2540

This message is intended for the exclusive use of the individual or entity to which it is addressed. The message may contain information that is privileged, confidential, or otherwise exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or use of this communication in any way is strictly prohibited. If you have received this communication in error, please call us collect immediately, and return the original message to us at the above address via the U.S. Postal Service.

Sterne, Kessler, Goldstein & Fox P.L.L.C. : 1100 New York Avenue, NW : Washington, DC 20005 : 202.371.2600 f 202.371.2540 : www.sk&f.com

FEB. 19. 2004 11:50AM

SKG&F3712540

NO. 6466 P. 2

RECEIVED
CENTRAL FAX CENTER

FEB 19 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Habener, Joel F.

Appl. No. 09/635,679

Filed: August 10, 2000

For: **Insulinotropic Hormone and Uses
Thereof (as amended)**

Confirmation No. 6862

Art Unit: 1645

Examiner: Minnifield, Nita M.

Atty. Docket: 0609.1090009/MAC/ALS

OFFICIAL

Second Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This pleading provides information that may be considered material to the examination of the above captioned application, and is provided in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

The Examiner's attention is directed to U.S. Patents No. 5,118,666 and 5,614,492, both of which are relied upon by applicant for the benefit under 35 U.S.C. § 120. These patents were previously cited as documents AA1 and AF1 in an Information Disclosure Statement (IDS) filed on March 19, 2001. The Examiner's attention is also directed to U.S. Patent No. 5,120,712, which was previously cited as document AB1 in the March 19, 2001 IDS.

Applicant has amended the inventorship of U.S. Patents No. 5,118,666; 5,614,492 and 5,120,712 to include Svetlana Mojssov. However, Applicant believes that the inventorship of the above captioned application as currently filed is currently correct and does not need to be amended.

02/20/2004 TRESHANI 00000146 09635679

01 FC:1806

180.00 OP

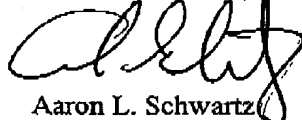
Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that was cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

This Information Disclosure Statement is being filed pursuant to 37 C.F.R. § 1.97(c)(2), and the fee set forth in 37 C.F.R. § 1.17(p) is provided herewith. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Aaron L. Schwartz
Agent for Applicants
Registration No. 48,181

Date: February 19, 2004

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

228182_1.DOC

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180.00**Complete If Known**

Application Number	09/635,679
Filing Date	August 10, 2000
First Named Inventor	Joel F. Habener
Examiner Name	Minnifield, Nita M.
Art Unit	1645
Attorney Docket No.	0609.1090009/MAC/ALS

METHOD OF PAYMENT (check all that apply)
☐ Check ☒ Credit card ☐ Money Order ☒ Other** ☐ None

☐ **Charge any deficiencies or credit any overpayments in Deposit Account: the fees to Deposit Acct. No. 19-0036.

 Deposit Account Number: 19-0036
 Deposit Account Name: Sterne Kessler, Goldstein & Fox P.L.L.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	- 20 **	X	
Multiple Dependent Claims	- 3 **	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 88	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 60	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	2053 130	Non-English specification	
1812 2,520	2812 2,520	For filing a request for ex parte reexamination	
1804 920*	2804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	2805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	2451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or release)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	2460 130	Partitions to the Commissioner	
1807 50	2807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	2808 180	Submission of Information Disclosure Stmt	180
8021 40	2821 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	2802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00**SUBMITTED BY**

Name (Print/Type)	Aaron L. Schwartz	Registration No. (Attorney/Agent)	48,181	Telephone	(202) 371-2600
Signature		Date	Feb. 19, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

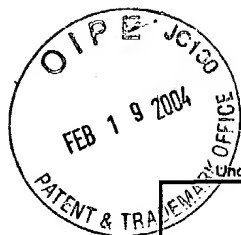
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FEB. 19. 2004 11:52AM

SKG&F3712540

NO. 6466 P. 6



PTO/SB/97 (08-03)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on February 19, 2004
Date


Signature

Denise Bauckman
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. Second Supplemental Information Disclosure Statement;
2. Fee Transmittal (Form PTO/SB/17); and
3. Credit Card Payment Form PTO-2038.

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.